

1 BILL NO. Z-85-06-36

2 ZONING MAP ORDINANCE NO. Z-*Lash*

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. Q-3.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
6 WAYNE, INDIANA:

7 SECTION I. That the area described as follows is hereby
8 designated a B-3-B (General Business) District under the terms of Chapter
9 33 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Lots Numbered 7 thru 19 in Homestead Park
11 Amended Addition

12 and the symbols of the City of Fort Wayne Zoning Map No. Q-3, as
13 established by Section 11 of Chapter 33 of the Code of the City of Fort
14 Wayne, Indiana are hereby changed accordingly.

15 SECTION 2. That this Ordinance shall be in full force and
16 effect from and after its passage and approval by the Mayor.

17 *Marvin S. Lash*
18 COUNCILMEMBER

19 APPROVED AS TO FORM AND LEGALITY:
20 *Box*
21 BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Quinn,
seconded by Delano, and duly adopted, read the second time
by title and referred to the Committee of Legislation (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock _____ M., E.

DATE: 6-25-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Quinn,
seconded by Stev, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | — | <u>8</u> | — | <u>1</u> | — |
| <u>BRADBURY</u> | — | — | — | — | ✓ |
| <u>BURNS</u> | — | ✓ | — | — | — |
| <u>EISBART</u> | — | ✓ | — | — | — |
| <u>GiaQUINTA</u> | — | ✓ | — | — | — |
| <u>HENRY</u> | — | ✓ | — | — | — |
| <u>REDD</u> | — | — | — | — | — |
| <u>SCHMIDT</u> | — | ✓ | — | — | — |
| <u>STIER</u> | — | ✓ | — | — | — |
| <u>TALARICO</u> | — | ✓ | — | — | — |

DATE: 7-9-85

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____

on the _____ day of _____, 19_____,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19_____,
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____ M., E.S.T.

WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Offie Lapsley

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an B-3-B District the property described as follows:

Lots Number 7 thru 19, Homestead Park Amended Addition.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1920, 1920, 2006, 2012 & 2020 Birchwood

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Offie Lapsley

5624 marty hills

Offie Lapsley

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

C E & M Architects & Engineers 116 W. Rudisill Blvd.
(Name) (Address & Zip Code)
Fort Wayne, IN. 46807

219-744-2781

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

ORIGINAL

DIGEST SHEET

Admn. Appr. _____

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-85-06-36

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lots 7 thru 19 in Homestead Park Addition.

1920; 2006; 2012 & 2020 Birchwood Avenue.

EFFECT OF PASSAGE Property is now zoned R-2 - Two Family Residential.

Property will become B-3-B - General Business.

EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

FACT SHEET

Z-85-06-36

BILL NUMBER

Division of Community Development & Planning

| BRIEF TITLE | APPROVAL DEADLINE | REASON | | | | | | | | | | | | | | | | | | | | | | | |
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| Zoning Ordinance Amendment | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">DETAILS</th> <th style="width: 50%;">POSITIONS</th> <th style="width: 25%;">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td>Specific Location and/or Address 1920, 2006, 2012 & 2020 Birchwood Avenue</td> <td>Sponsor</td> <td>City Plan Commission</td> </tr> <tr> <td>Reason for Project Construction of a car wash & auto repair & body shop business.</td> <td>Area Affected</td> <td>City Wide Other Areas</td> </tr> <tr> <td>Discussion (Including relationship to other Council actions) 17 June 1985 - Public Hearing Ken North, architect representing the petitioner stated that they were requesting the rezoning in order to construct a car wash and an automobile repair & body shop. Mr. Nord stated that this land has been vacant for years. He stated that the petitioner has another business on the southwest corner of Birchwood & New Haven. Mr. Nord stated that even though the staff analysis feels that this would be better used for residential if the Commission were to see the property they would see that it is not prime residential property. He stated it will probably remain vacant land unless it can be used for something other than residential. He stated that the petitioner would like to, along with the Regional Vocational Training Center set up some type of training program as a part of this business. Ben Eisbart questioned what type of car wash this would be - a drive thru or bay. Mr. Nord stated that it would be a "hand" car wash.</td> <td>Applicants/ Proponents</td> <td>Applicant(s) Offie Lapsley City Department Other</td> </tr> <tr> <td>Opponents</td> <td>Groups or Individuals Helen Nicum Basis of Opposition -rezoning would be detriment to area</td> </tr> <tr> <td>Staff Recommendation</td> <td colspan="2"> <input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -approval would have adverse impact in area -approval would constitute spot zone </td> </tr> <tr> <td>Board or Commission Recommendation</td> <td colspan="2"> By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions) </td> </tr> <tr> <td>CITY COUNCIL ACTIONS (For Council use only)</td> <td colspan="2"> <input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass </td> </tr> </tbody> </table> | | | DETAILS | POSITIONS | RECOMMENDATIONS | Specific Location and/or Address 1920, 2006, 2012 & 2020 Birchwood Avenue | Sponsor | City Plan Commission | Reason for Project Construction of a car wash & auto repair & body shop business. | Area Affected | City Wide Other Areas | Discussion (Including relationship to other Council actions) 17 June 1985 - Public Hearing Ken North, architect representing the petitioner stated that they were requesting the rezoning in order to construct a car wash and an automobile repair & body shop. Mr. Nord stated that this land has been vacant for years. He stated that the petitioner has another business on the southwest corner of Birchwood & New Haven. Mr. Nord stated that even though the staff analysis feels that this would be better used for residential if the Commission were to see the property they would see that it is not prime residential property. He stated it will probably remain vacant land unless it can be used for something other than residential. He stated that the petitioner would like to, along with the Regional Vocational Training Center set up some type of training program as a part of this business. Ben Eisbart questioned what type of car wash this would be - a drive thru or bay. Mr. Nord stated that it would be a "hand" car wash. | Applicants/ Proponents | Applicant(s) Offie Lapsley City Department Other | Opponents | Groups or Individuals Helen Nicum Basis of Opposition -rezoning would be detriment to area | Staff Recommendation | <input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -approval would have adverse impact in area -approval would constitute spot zone | | Board or Commission Recommendation | By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions) | | CITY COUNCIL ACTIONS (For Council use only) | <input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass | |
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DETAILS

Steve Smith questioned if the petitioners had checked for property already appropriately zoned for a car wash.

The petitioner stated that they own the property in question and it would be cost efficient to use it.

Helen Nicum, 3222 Harvester Avenue presented the Commission with a petition with signatures of residents in opposition to the request. Mrs. Nicum stated that this rezoning would be a detriment to the area. She stated there is no need for a car wash in the area they have one one-half mile away. She stated along New Haven Avenue there is at least 5 body shops. She stated this would create a nuisance.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

June 24, 1985 - Business Meeting

Motion was made and carried to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight (8) members present seven (7) voted in favor of denial one (1) did not vote.

POLICY/PROGRAM IMPACT

| Policy or Program Change | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
|-------------------------------|-----------------------------|------------------------------|
| | | |
| Operational Impact Assessment | | |
| | | |

(This space for further discussion)

Project Start

Date 17 May 1985

Projected Completion or Occupancy

Date 27 June 1985

Fact Sheet Prepared by
Patricia Biancaniello

Date 27 June 1985

Reviewed by

Gary Baeten
Gary P. Baeten, Senior
Reference or Case Number

Date 27 June 1985

PROPOSAL:

Offie Lapsley, petitions for a rezoning from R-2 to B-3-B.

GENERAL INFORMATION:

Location:

This parcel is located at the NW corner of Birchwood & Schele.

Legal Description:

Lots 7 thru 19 of Homestead Park Addition.

Existing Zoning:

R-2

Size Of Property:

3.44 Acres +

Surrounding Land Use & Zoning:

North - B-1-B - Commercial
South - R-2 - Vacant
East - R-1 - Residential
West - R-2 - Vacant

Comprehensive Plan:

The general land use policies state that rezoning and development proposals should be compatible with existing land uses and should not establish an undesirable precedent in the area. The three main goals for the Central Area, where the request is located, are: 1) to maintain existing development; 2) to halt deterioration; and 3) to encourage investment.

Neighborhood Planning:

This is clearly an expansion of a business zoning (B-3-B) into the residential portion of the neighborhood and it will adversely affect the residential quality of the area.

Urban Design:

No Comment

HANDS:

No Comment

Housing Authority:

No Comment

SPECIAL INFORMATION:

Physical Characteristics:

This is currently undeveloped property.

Page two

PLANNING STAFF DISCUSSION:

A B-3-B designation permits numerous uses including an auto body shop and a night club. The overall character of this area is residential. There are numerous undeveloped lots in the area, also a school about one (1) block west. The area north of New Haven Avenue has industrial zoning, but the street serves as a break point for the existing uses.

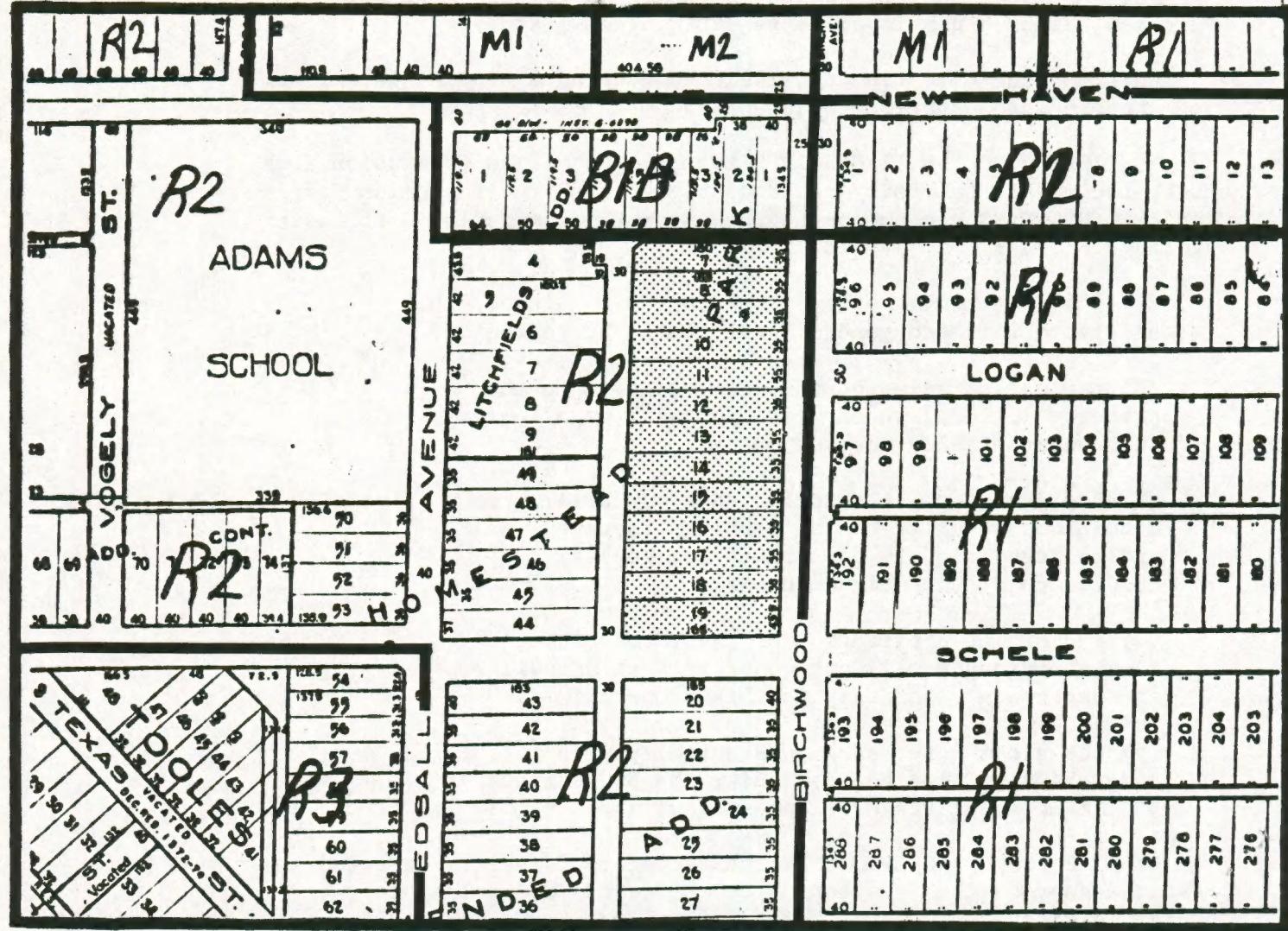
We are concerned about the impact of the proposed parcel of land going commercial. The possible uses permitted in a B-3-B district would have an adverse impact on the surrounding residents, and would alter the quality of life that currently exists in this area.

RECOMMENDATION:

Denial

- 1) An undue hardship does not exist on the property as it may be developed residentially.
- 2) Approval would adversely impact the surrounding area.
- 3) Approval would make it difficult to deny similar petitions in the future.
- 4) Its approval would constitute a spot zone.

GENERAL LOCATION MAP FOR 1920, 2006, 2012 & 2020 BIRCHWOOD AVE.



Zoning:

R1 RESIDENTIAL DISTRICT
R2 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT
BIB LIMITED BUSINESS 'B'
MI LIGHT INDUSTRY
M2 GENERAL INDUSTRY

Land Use:

BILL NO. Z-85-06-36

Scale: 1" = 200'

Date: 5-29-85

77

A circular symbol with a horizontal line through the center. A diagonal line extends from the top-left quadrant to the bottom-right quadrant, representing the North arrow.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on 25 June 1985 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-06-36; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on 17 June 1985

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

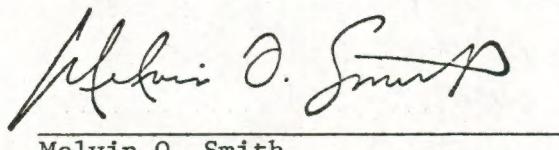
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 24 June 1985.

Certified and signed this
26th day of June 1985.



Melvin O. Smith
Secretary

RECEIPT

Check # 1047
COMMUNITY DEVELOPMENT & PLANNING

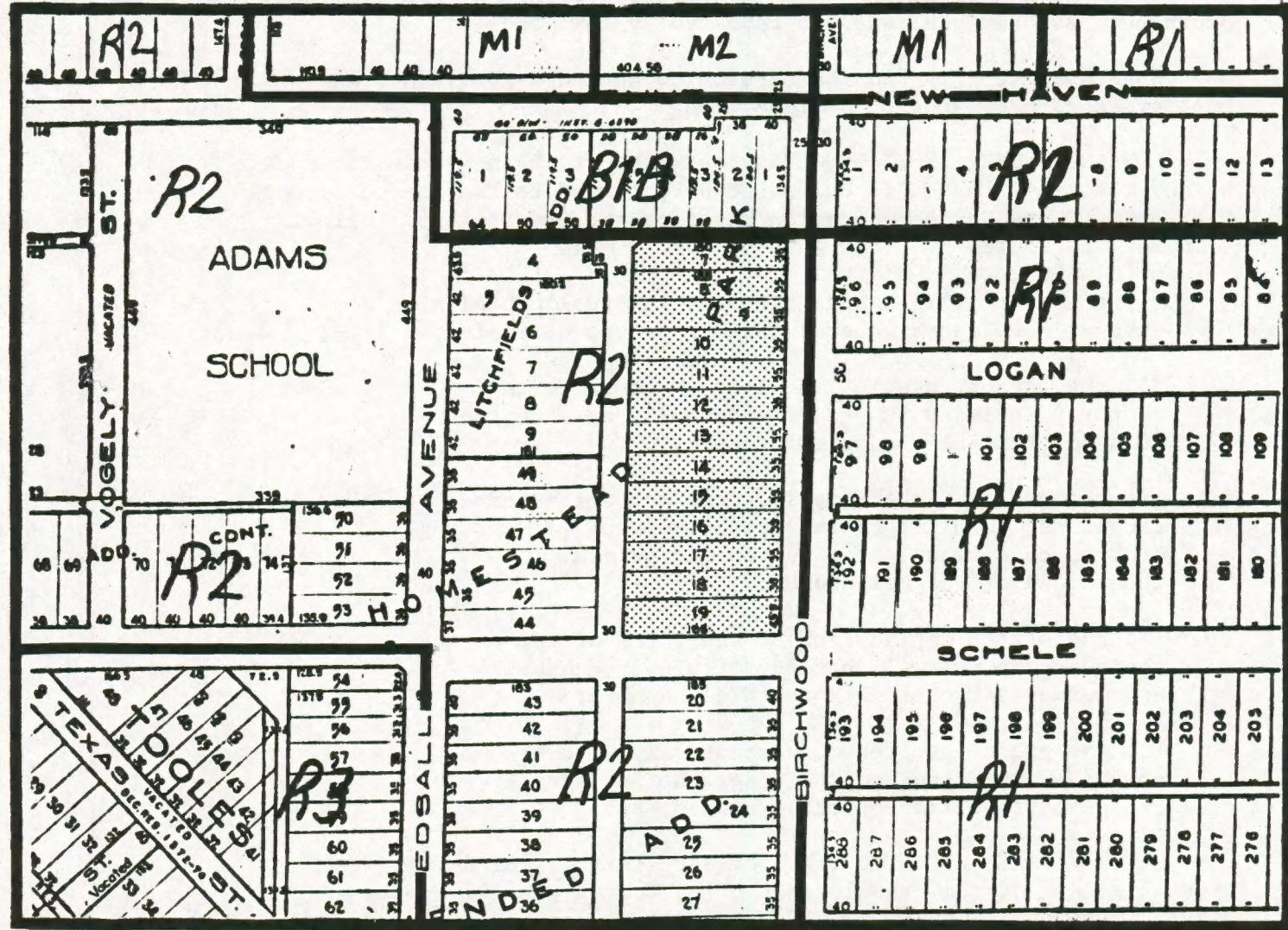
No 11998

FT. WAYNE, IND. 5/17 1985

RECEIVED FROM Blue Moon Lounge \$ 50.00
THE SUM OF Fifty 400/100 ¹⁰⁰ DOLLARS
ON ACCOUNT OF Rezone lots 7-19, Homestead
Park Amand. Add. to B-3-B
B. Steele

AUTHORIZED SIGNATURE

GENERAL LOCATION MAP FOR 1920, 2006, 2012 & 2020 BIRCHWOOD AVE.

Zoning:

- R1 RESIDENTIAL DISTRICT
- R2 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT
- BIB LIMITED BUSINESS 'B'
- MI LIGHT INDUSTRY
- M2 GENERAL INDUSTRY

Land Use:

BILL NO. Z-85-06-36

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Date: 5-29-85

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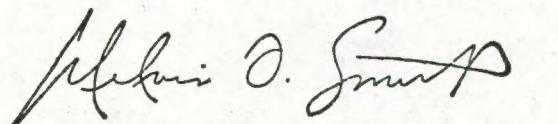
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- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
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Certified and signed this
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Melvin O. Smith
Secretary

BILL NO. Z-85-06-36

REPORT OF THE COMMITTEE ON

REGULATIONS

WE, YOUR COMMITTEE ON

REGULATIONS

TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of

Fort Wayne Zoning Map No. G-3

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(RESOLUTION) DO NOT PASS

YES

NO

Charles B. Redd

CHARLES B. REDD
CHAIRMAN

Charles B. Redd

Janet G. Bradbury

JANET G. BRADBURY
VICE CHAIRWOMAN

James S. Stier

JAMES S. STIER

Ben A. Eisbart

BEN A. EISBART

Donald J. Schmidt

DONALD J. SCHMIDT

CONCURRED IN 7-9-85

Janet G. Bradbury

Donald J. Schmidt

SANDRA E. KENNEDY
CITY CLERK